



*United States*

v.

*Marshall Neefe*

21-CR-567-1 (RCL)

Gov't. Sentencing

Exhibit 1

Aug. 17, 2022

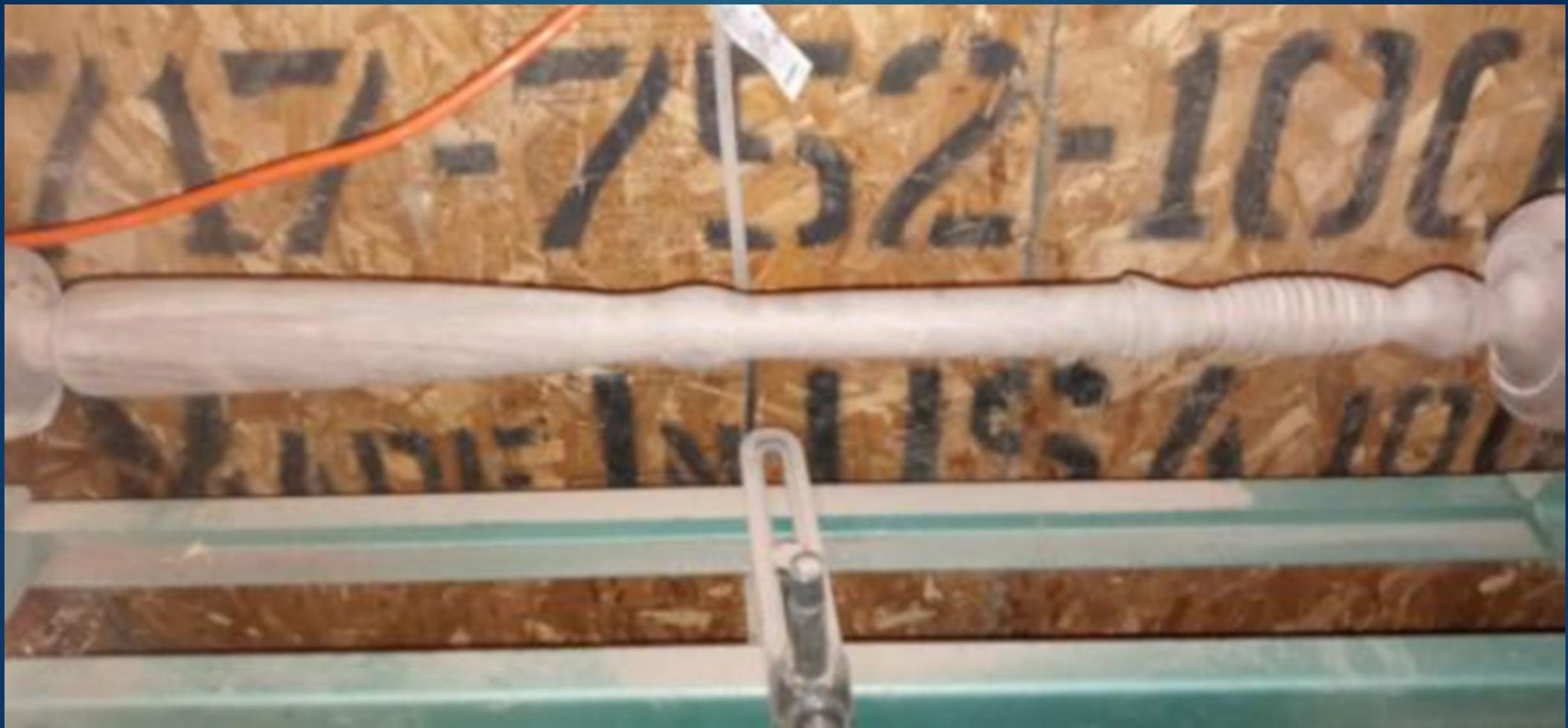


*United States v. Marshall  
Neefe*

**21-CR-567-1 (RCL)**

**Nature and  
Circumstances of  
the Offense**

**18 U.S.C. § 3553(a)(1)**



**Facebook  
Messages  
(Dec. 26,  
2020)**

**Exh. 1-A**

## Exh. 1-B

**Author** Marshall Neefe [REDACTED]

**Sent** 2020-12-26 22:32:12 UTC

**Body** Now introducing The Commie Knocker

**Author** Marshall Neefe [REDACTED]

**Sent** 2020-12-26 22:32:40 UTC

**Body** Gettin prepped for the 6th lol

**Author** [REDACTED]

**Sent** 2020-12-26 22:35:36 UTC

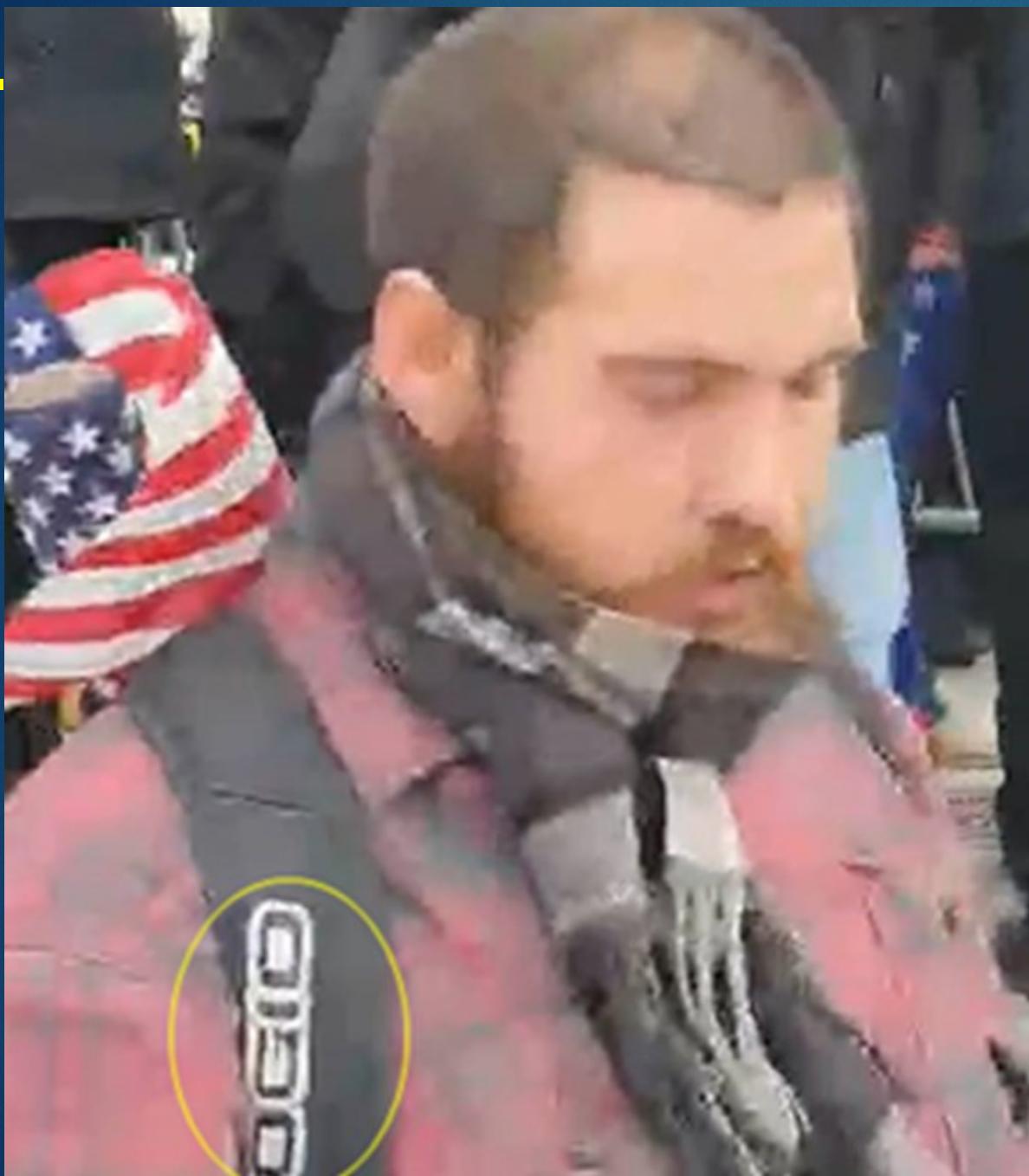
**Body** Awh hell yeah what's the 6th

**Author** Marshall Neefe [REDACTED]

**Sent** 2020-12-26 22:36:36 UTC

**Body** Going to D.C. to make sure them lil bitches dont burn down the city  
when trump is announced as president

**Exh.  
1-C**



**Exh.  
1-D**





**Exh. 1-E**



Exh. 1-F

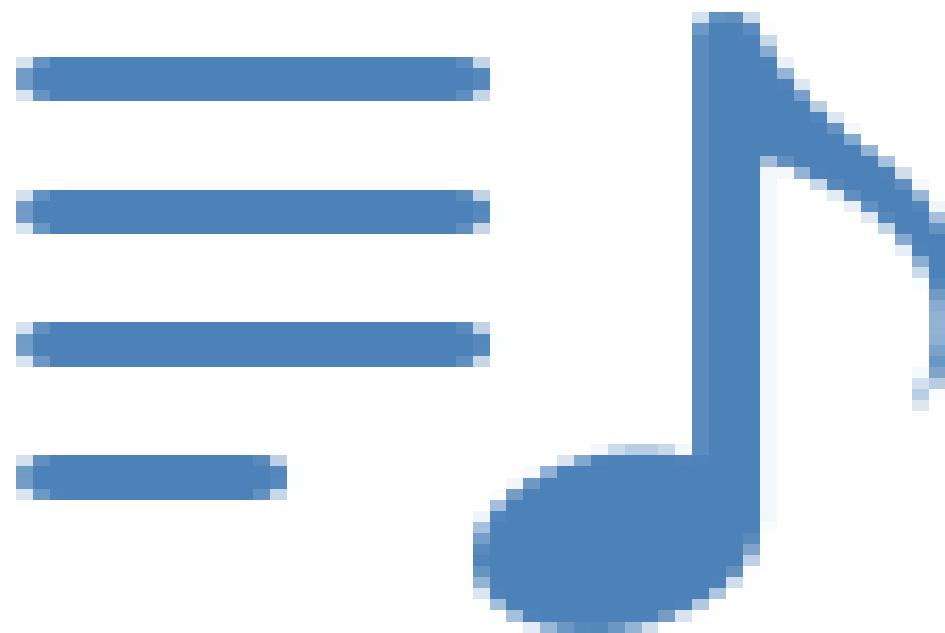


JUST  
ANOTHER  
CHANNEL

Ex. 1-G



Exh. 1-



**Exh. 1-I**

Exh.  
1-J



Exh.  
1-K



**Exh.  
1-L**



**Author** Marshall Neefe [REDACTED]  
**Sent** 2021-01-07 01:56:21 UTC  
**Body** Mace, pepper balls and tear gas lol im battle ready folks

**Author** Marshall Neefe [REDACTED]  
**Sent** 2021-01-07 01:56:33 UTC  
**Body** My skin be SPICY

**Author** [REDACTED]  
**Sent** 2021-01-07 01:57:27 UTC  
**Body** That shit was absolutely wild

**Author** Marshall Neefe [REDACTED]  
**Sent** 2021-01-07 01:57:42 UTC  
**Body** literally cannot count how many times i was maced. Got a good shot in the mouth tho. Doesn't taste too bad. Got shot 3 times with pepper balls and tear gassed in the building lol

**Author** Marshall Neefe [REDACTED]  
**Sent** 2021-01-07 01:58:06 UTC  
**Body** I was amidst some of the first to make my way in



Exh.  
1-M

Exh.  
1-N

NEEFE comments in response to SMITH posting this photo of NEEFE walking atop architectural structure at the Capitol.

**Exh.  
1-O**

**Author** Marshall Neefe [REDACTED]  
**Sent** 2021-01-07 02:04:50 UTC  
**Body** Then we heard the news on pence

**Author** Marshall Neefe [REDACTED]  
[REDACTED]  
**Sent** 2021-01-07 02:04:54 UTC  
**Body** Amd lost it

**Author** Marshall Neefe [REDACTED]  
[REDACTED]  
**Sent** 2021-01-07 02:05:24 UTC  
**Body** So we stormed

# Exh. 1-P

Facebook  
Messages  
after the  
Riot  
(Night of  
Jan. 6, 2021)

**Author** Marshall Neefe [REDACTED]  
**Sent** 2021-01-07 02:13:38 UTC  
**Body** Its only going to get more violent

**Author** Marshall Neefe [REDACTED]  
**Sent** 2021-01-07 02:13:47 UTC  
**Body** Today was pussy shit dude

**Author** Marshall Neefe [REDACTED]  
**Sent** 2021-01-07 02:14:19 UTC  
**Body** If i had it my way every cop who hurled a baton or maced on of us would be lined up and put down

**Author** Marshall Neefe [REDACTED]  
**Sent** 2021-01-07 02:14:45 UTC  
**Body** We made sure they knew we fucking OWN them

**Exh.  
1-Q**

Marshall Neefe [REDACTED]

**Sent** 2021-01-07 02:12:52 UTC

**Body** Im bringing a gun next time idec



*United States v. Marshall  
Neefe*

**21-CR-567-1 (RCL)**

**History and  
Characteristics of  
the Defendant  
18 U.S.C. § 3553(a)(1)**

## Text Messages from NEEFE to “Mom” (Jan. 7, 2021 - 6:08- 6:09pm)

Exh.  
1-R

So far no footage or photo of me

Brad deleted everything and i deleted all my social media

Smart phone goes away next

## Reply from “Mom” (Jan. 7, 2021 - 6:11pm)

I do hope when you are inside there was no cameras with your

face especially when you are hitting on the stairs or punching the cop

Exh.  
1-S

**Exh.  
1-T**



**Facebook  
Messages  
(Dec. 11-12,  
2020)**



**Exh.  
1-U**

**Exh.  
1-V**

**Facebook  
Messages  
between  
Neefe and  
Smith  
regarding  
attending  
rally in  
D.C. on  
Nov. 14,  
2020  
(Nov. 11,  
2020)**

**Author** Marshall Neefe [REDACTED]  
**Sent** 2020-11-11 23:48:08 UTC  
**Body** What all is illegal to have on your person there? Am i aloud to have a knife?

**Author** Marshall Neefe [REDACTED]  
**Sent** 2020-11-11 23:48:17 UTC  
**Body** I do have one tho

**Author** Brad Smith [REDACTED]  
**Sent** 2020-11-11 23:48:44 UTC  
**Body** I'm bringing a pocket knife.

**Exh.  
1-W**

**Facebook  
Messages  
between  
Neefe and  
Smith  
regarding  
attending  
rally in  
D.C. on  
Nov. 14,  
2020  
(Nov. 11,  
2020)**



**Author** Marshall Neefe [REDACTED]  
**Sent** 2020-11-11 23:50:06 UTC  
**Body** Bringing my big boi lol

**Author** Brad Smith [REDACTED]  
**Sent** 2020-11-11 23:50:12 UTC  
**Body** I've had pocket knives there b4

**Author** Marshall Neefe [REDACTED]  
**Sent** 2020-11-11 23:51:00 UTC  
**Body** If i come into confrontation and have to use it my line is "ive killed 5 chickens with this blade, lets make it 6"

**Author** Brad Smith [REDACTED]  
**Sent** 2020-11-11 23:51:56 UTC  
**Body** I hope it goes smooth lol

**Author** Marshall Neefe [REDACTED]  
**Sent** 2020-11-11 23:52:18 UTC  
**Body** I hope i get to smack around a few commies ngl

**Exh.  
1-X**

**Facebook  
Messages  
(Dec. 1,  
2020)**

**Exh.  
1-Y**

- Author** Brad Smith [REDACTED]  
**Sent** 2020-12-01 18:57:35 UTC  
**Body** I'm real close to liking full blown fascism. Fascism is one of the most lied about political ideologies ever and if you look it up it'll give you like 6 completely different definitions but we all know what it is.
- Author** Brad Smith [REDACTED]  
**Sent** 2020-12-01 18:58:58 UTC  
**Body** Its culture,heritage, family history, tradition. And Nobody hates a Communist more than a fascist lol
- Author** Marshall Neefe ([REDACTED])  
**Sent** 2020-12-01 18:59:03 UTC  
**Body** Id rather be a racist, fascist hate monger than a liar ☺
- Author** Brad Smith [REDACTED]  
**Sent** 2020-12-01 18:59:32 UTC  
**Body** If this is what winning the war means then I'm a fascist

**Exh.  
1-Z**

**Facebook  
Messages  
(Dec. 1,  
2020)**

- Author** Marshall Neefe [REDACTED]  
**Sent** 2020-12-01 19:00:46 UTC  
**Body** Hell id rather be a nigger than a commie
- Author** Brad Smith [REDACTED]  
**Sent** 2020-12-01 19:01:58 UTC  
**Body** YES. & I've gotta learn to laugh about it a little more because when that boy in Texas thing was happening it made me physically ill for 3 to 4 days. I've never experienced something like that & dont want to again
- Author** Marshall Neefe [REDACTED]  
**Sent** 2020-12-01 19:03:42 UTC  
**Body** These sick fucks really do need to start getting turned into mist

**Exh.  
1-AA**



**Author** Marshall Neefe [REDACTED]  
**Sent** 2020-12-06 16:18:55 UTC  
**Body** Out here lynchin that nigger uncle ben as we speak

**Author** [REDACTED]  
**Sent** 2020-12-06 16:19:09 UTC  
**Body** What tree you using?

**Author** Marshall Neefe [REDACTED]  
**Sent** 2020-12-06 16:19:49 UTC  
**Body** Who said it has to be a tree

**Author** Marshall Neefe [REDACTED]  
**Sent** 2020-12-06 16:20:02 UTC  
**Body** Rope on my bumper works wonders

**Facebook Messages (Dec. 6, 2020)**

**Exh.  
1-BB**

**Exh.  
1-CC**

**Author** Marshall Neefe [REDACTED]  
**Sent** 2020-12-15 23:20:27 UTC  
**Body** Looks like mcconnel needs a bullet in the head



*United States v. Marshall  
Neefe*

**21-CR-567-1 (RCI)**

**Need to Reflect  
Seriousness of the  
Offense and Promote  
Respect for the Law**

**18 U.S.C. § 3553(a)(2)(A)**

# Exh. 1-P

Facebook  
Messages  
after the  
Riot  
(Night of  
Jan. 6, 2021)

**Author** Marshall Neefe [REDACTED]  
**Sent** 2021-01-07 02:13:38 UTC  
**Body** Its only going to get more violent

**Author** Marshall Neefe [REDACTED]  
**Sent** 2021-01-07 02:13:47 UTC  
**Body** Today was pussy shit dude

**Author** Marshall Neefe [REDACTED]  
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**Body** If i had it my way every cop who hurled a baton or maced on of us would be lined up and put down

**Author** Marshall Neefe [REDACTED]  
**Sent** 2021-01-07 02:14:45 UTC  
**Body** We made sure they knew we fucking OWN them



*United States v. Marshall  
Neefe*  
**21-CR-567-1 (RCL)**

**Need to Afford  
Adequate Deterrence  
18 U.S.C. § 3553(a)(2)(B)**

**Exh.  
1-Q**

Marshall Neefe [REDACTED]

**Sent** 2021-01-07 02:12:52 UTC

**Body** Im bringing a gun next time idec

**Facebook  
Message  
after the  
Riot  
(Night of  
Jan. 6, 2021)**



*United States v. Marshall  
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**21-CR-567-1 (RCL)**

**Need to Avoid  
Unwarranted  
Sentence Disparities  
18 U.S.C. § 3553(a)(6)**



# *United States v. Marshall Neefe*

Defendant	Offenses of Conviction	Term of Imprisonment
<b>Matthew Miller,</b> 21-cr-00075 (RDM)	§ 1512(c)(2) § 111(a)(1)	<b>33 months</b> (as well as 24 months of probation)
<b>Greg Rubenacker,</b> 21-cr-00193 (BAH)	§ 1512(c)(2) § 111(a)(1) (plus seven other counts (no plea agreement))	<b>41 months</b>
<b>Scott Fairlamb,</b> 21-cr-00120 (RCL)	§ 1512(c)(2) § 111(a)(1)	<b>41 months</b>
<b>Duke Wilson,</b> 21-cr-00345 (RCL)	§ 1512(c)(2) § 111(a)(1)	<b>51 months</b>